

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM HURD,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

8:23CV201

**AMENDED FINAL PROGRESSION
ORDER**

This matter is before the Court on the parties' Joint Motion to Modify Progression Order. [Filing No. 35](#). The motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's previous final progression order remain in effect, and in addition to those provisions, case progression shall be amended as follows:

1. The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings previously set for April 18, 2024 at 1:00 p.m. is hereby canceled and reset for **May 16, 2024, at 11:00 a.m.** Counsel shall use the amended conferencing instructions assigned to this case to participate in the conference ([Filing No. 33](#)).
2. The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is **May 22, 2024**. Motions to compel written discovery under Rules 33, 34, 36 and 45 must be filed by **June 6, 2024**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting setting a conference for discussing the parties' dispute.

3. The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **May 22, 2024**,
 - a. The maximum number of depositions that may be taken by the as a group and the defendant as a group remains 10.

- b. Depositions will be limited by Rule 30(d)(1).
- 4. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **June 7, 2024**.
- 5. The deadline for filing motions to dismiss and motions for summary judgment is **June 24, 2024**.
- 6. The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7. All requests for changes of deadlines or settings established herein shall be made in accordance with [Filing No. 32](#). Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 17th day of April, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge